

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL MENSAH,

Plaintiff,

-against-

NOTICE OF MOTION

07 Civ. 9850 (LBS)

THE CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT, Individually and in their official capacity
as New York City Police Officers – FRANKLIN
ROSARIO and MIGUEL CASTILLO, WEBSTER HALL;
JOHN DOES 1-10, fictitious names, true identities
unknown, and ABC COMPANIES 1-10, fictitious entities,
true identities unknown,

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Assistant Corporation Counsel Philip S. Frank, dated December 20, 2011, and the exhibits annexed thereto; the accompanying Memorandum of Law; and upon all prior pleadings and proceedings had herein, defendants City of New York (“City”) and the New York City Police Department (“NYPD”) will move this Court before the Honorable Leonard B. Sand, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, dismissing plaintiff’s complaint on the pleadings against defendants City and NYPD, with prejudice, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), opposition papers, if any, shall be served on or before January 3, 2011.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b),
reply papers, if any, shall be served on or before January 10, 2011.

Dated: New York, New York
December 20, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendant City of New York
100 Church Street, Room 3-196
New York, New York 10007
(212) 788-0893

By: /s/
Philip S. Frank
Assistant Corporation Counsel

To: James P. Kimball, Esq. (Via ECF)
Seigel Capozzi, LLC
Attorneys for Plaintiff
505 Goeffle Road
Ridgewood, NJ 07450

Docket No. 07 Civ. 9850 (LBS)

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SOUTHERN DISTRICT OF NEW YORK

SAMUEL MENSAH,

Plaintiff,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, Individually and in their
official capacity as New York City Police Officers
– FRANKLIN ROSARIO and MIGUEL
CASTILLO, WEBSTER HALL; JOHN DOES 1-
10, fictitious names, true identities unknown, and
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Defendants.

**NOTICE OF MOTION, DECLARATION OF
PHILIP S. FRANK IN SUPPORT OF
DEFENDANTS' MOTION TO DISMISS AND
EXHIBITS**

MICHAEL A. CARDOZO

*Corporation Counsel of the City of New York
Attorney for Defendants City of New York and the
New York City Police Department
100 Church Street, Room 3-196
New York, NY 10007*

*Of Counsel: Philip S. Frank
Tel: (212) 788-0893*

Due and timely service is hereby admitted.

New York, N.Y., 2011

..... Esq.

Attorney for